

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

COLIN SUTTLES,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 18-cv-1004-LY

**DEFENDANT FACEBOOK, INC.'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT
OF ITS MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to Federal Rule of Evidence 201, Defendant Facebook, Inc., respectfully requests that the Court take judicial notice of the following facts as these facts are “not subject to reasonable dispute because” they “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”

1. Mortgages and student loans are the two largest categories of consumer debt. Center for Microeconomic Data, Federal Reserve Bank of New York, *Quarterly Report on Household Debt and Credit* at 3 (Feb. 2019), https://www.newyorkfed.org/medialibrary/interactives/householdcredit/data/pdf/hhdc_2018q4.pdf.

2. There are over \$170 billion in private, federally guaranteed student loans outstanding through the Federal Family Education Loans (“FFEL”) program, approximately \$66 billion of which are in default, affecting 3.9 million student borrowers. Office of the U.S. Department of Education, Portfolio by Loan Status (DL, FFEL, ED-Held FFEL, ED-Owned), <https://studentaid.ed.gov/sa/about/data-center/student/portfolio> (last visited June 6, 2019) (follow “Portfolio by Loan Status” hyperlink).

3. Of \$850 billion in outstanding private, government-guaranteed mortgages, at last report 11.4% were in default (574,716 mortgages). Office of the Comptroller of the Currency, *OCC Mortgage Metrics Report: Disclosure of National Bank Mortgage Loan Data, Third Quarter 2015* at 4, 9, 14 (Dec. 2015), <https://www.occ.treas.gov/publications/publications-by-type/other-publications-reports/mortgage-metrics/mortgage-metrics-q3-2015.pdf>.

4. The servicers and collectors of government-guaranteed student loans and mortgages frequently collect payments on such debts through autodialed calls to cell phones. *See* Letter from Senators Mike Lee (R-Utah) and Edward J. Markey (D-Mass.) to Ajit Pai (FCC Chairman) at 1 (Aug. 4, 2017), <https://www.markey.senate.gov/imo/media/doc/2017-08-04-DebtCollector-RoboCalls%20.pdf>; Letter from National Council Higher Education Loan Programs to FTC at 2, 12 (Apr. 7, 2011), https://www.ftc.gov/sites/default/files/documents/public_comments/ftc-workshop-debt-collection-2.0-protecting-consumers-technology-changes-project-no.p114802-00008%C2%A0/00008-58349.pdf.

Dated: July 5, 2019

Respectfully submitted,

/s/Andrew B. Clubok

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CERTIFICATE OF SERVICE

I certify that on July 5, 2019, I filed the foregoing Request for Judicial Notice in Support of Facebook's Motion to Dismiss Plaintiff's Second Amended Complaint for Defendant Facebook, Inc., with the Clerk of the United States District Court for the Western District of Texas via the CM/ECF system, which will notify all participants in the case who are registered CM/ECF users.

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